

**REMARKS**

In accordance with the foregoing, the specification, abstract and claims have been amended to improve form and, further, claims 2 and 3 have been cancelled and the recitations thereof incorporated in claim 1 and, similarly, claims 10 and 11 have been cancelled and the recitations thereof presented in claim 9 for better clarifying the invention hereof and for the new independent claim 17 and dependent claim 18 have been added.

No new matter is presented and, accordingly, approval and entry of the foregoing specification and claim amendments are respectfully requested.

Claims 1, 4-9 and 12-18 are pending and under consideration.

**ITEM 2: REJECTION OF CLAIMS 1-4, 8-12 AND 16 FOR ANTICIPATION UNDER 35 U.S.C. §102(b) BY DRAKE (U.S. PATENT 6,366,395); AND**

**AT PAGE 3, CLAIMS 9-12 AND 15 ARE CHARACTERIZED AS "MERELY THE METHOD OF NORMAL OPERATIONS OF CLAIMS 1-4 AND 8, RESPECTIVELY" - - BASED ON WHICH IT WOULD APPEAR THE EXAMINER INTENDED TO REJECT SAME.**

The rejections are respectfully traversed.

Drake is based on a recognition that the ASE characteristics an optical amplifier depend upon the temperature and the gain setting (col. 4, lines 1-4) - - not on the temperature and the input power as in the present invention. Although the Examiner asserts that "the temperature depends on the input power of the optical signal" in Drake, the equation in col. 4, line 57, only indicates the dependency of P<sub>out</sub> upon Pin, not a dependency of the temperature T upon Pin (P<sub>out</sub> indirectly depends on T since P<sub>out</sub> depends on F<sub>ASE</sub> that depends on T, and does not depend on Pin). The Examiner also asserts that "the gain setting is controlled as a function of this input power," however, col. 3, lines 59-60 of Drake state that "Changes in the pumping condition may be required in response to changes in the input signal," not "Changes in the gain setting may be required in response to changes in the input signal." Thus, it appears that col. 3, lines 59-60 of Drake only refers to the pump power adjustment for reducing the possibility of power surges (col. 5, lines 24-30).

## CONCLUSION

In accordance with the foregoing, it is respectfully submitted that the pending claims have been shown to distinguish patentably over the reference and rejections of record. There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

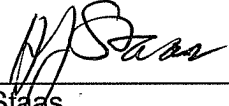
If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: July 31, 2006

By: \_\_\_\_\_

  
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